In the High Court of Judicature at Madras

Dated:14.06.2006

Coram:

The Hon'ble Mr. Justice P. SATHASIVAM

Civil Revision Petition (PD) Nos.743 & 744 of 2006

and C.M.P.No.7092 of 2006

M. Vijayan .. Petitioner in both the CRPs

vs.

G. Vijayakumar .. Respondent in both the CRPs

Revision Petitions filed under Article 227 of the Constitution of India against the common order dated 28.06.2005 made in I.A.Nos.700 and 701 of 2004 in O.S.No.19 of 2004 on the file of District Munsif, Mettupalayam.

For petitioner : Mr. G. Karthikeyan

COMMON ORDER

Both the civil revision petitions are directed against the common order dated 28.06.2005 made in I.A.Nos.700 and 701 of 2004 in O.S.No.19 of 2004 on the file of District Munsif, Mettupalayam.

2. The petitioner / plaintiff filed those applications viz., I.A.Nos.700 and 701 of 2004 under Order 6 Rule 17 of Code of Civil Procedure for amendment of Door Number in the description of property in the Plaint and in I.A.No.50 of 2004 respectively. The said applications were resisted by the respondent / defendant by filing counter. It is seen from the order of the learned District Munsif that based on the averments made in the Plaint as well as in the affidavit, viz., that the petitioner/plaintiff has filed the suit only with regard to Door No.354, an order of interim injunction has been granted. It is further seen that subsequent to the same, he obtained an order seeking police aid with reference to the same door number. The documents marked by the petitioner do not contain any door number. However, in his evidence as PW.1 the petitioner has specifically referred to Door No.354, Ooty Main Road. It is also seen that the petitioner has produced receipts for payment of licence fees for running Abinaya Mess in Door

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No.354. In the light of those details, I am of the view that the learned District Munsif is perfectly right in holding that the petitioner cannot change his stand that he is a tenant under Door No.357, as suggested by the respondent counsel. I agree with the conclusion arrived at by the learned Judge and I do not find any error or infirmity in the impugned common order under challenge. Accordingly, the civil revision petitions fail and the same are dismissed. No costs. Consequently, connected CMP., is also dismissed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

kh

To

The District Munsif
Mettupalayam.

1 cc to Mr.G. Karthikeyan, Advocte, Sr. 25090

C.R.P.(PD)Nos.743&744/06

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